

## ARTICLE 40

## AMEND ZONING BYLAW SUSTAINABLE RESIDENTIAL INCENTIVES (Citizen Article)

### PROPOSED MOTION

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

1. Add a new §135-6.13, as follows:

#### **6.13 SUSTAINABLE DEVELOPMENT INCENTIVES**

**6.13.1 Purpose.** The general objectives of this section are to:

1. Encourage residential development that is consistent with the Town's sustainability goals by providing tiered incentives that result in healthy, environmentally responsible, resource-efficient, and fossil fuel free residential dwellings.
2. Establish sustainability performance standards that allow increased gross floor area as defined under §135-4.4 for residential construction that meets or exceeds those performance standards.
3. Allow predictable and flexible development options using measurable performance standards.

**6.13.2 Applicability.** This section shall apply to all dwellings permitted in residential districts for which §135-4.4 is applicable.

**6.13.3 Tier 1 Standards.** Construction meeting all of the following requirements shall be entitled to a 50% increase in allowable gross floor area as defined by the applicable provisions of §135-4.4:

1. No installation of on-site fossil fuel combustion systems or appliances for any of the following uses is proposed or included, except that fossil fuel may be used for emergency backup generators:
  - a. Heating, cooling, and ventilation,
  - b. Domestic hot water,
  - c. Indoor cooking,
  - d. Laundry,
  - e. Indoor fireplaces, and
  - f. Indoor or outdoor lighting.
2. The proposed construction includes a solar ready rooftop which shall,

- a. Provide an effective solar ready area, free from obstructions, necessary to install a 1.4 watt DC per square foot of gross floor area or greater solar energy system and include electrical system infrastructure necessary to support a solar energy system of that size, and
  - b. Provide space for a solar energy system inverter and related equipment and install conduits between those locations and the solar ready locations.
3. Provision of a final, as-built Home Energy Rating System (HERS) building energy compliance report demonstrating a HERS index rating of no more than 47 (not including solar applications, i.e., photovoltaics) or a final, as-built Passive House compliance report prior to issuance of a certificate of occupancy.

**6.13.4 Tier 2 Standards.** Construction meeting all of the following requirements of this section 6.13.4 and all of those of 6.13.3 shall be entitled to a 100% increase in allowable gross floor area as defined by the applicable provisions of §135-4.4.

1. Installation and interconnection of a 1.4 watt DC per square foot of gross floor area or greater solar energy system. The solar energy system size may be reduced by the portion of the effective solar ready area, at the time of installation that is shaded by existing permanent, natural, or structural barriers external to the building (including trees, hills, and adjacent structures) for more than 55% of the daylight hours annually.
  2. Installation of at least one Level 2 electric vehicle (EV) charging station per dwelling, and installation electrical wiring from the electrical panel to a NEMA 14-50 outlet installed near each additional indoor parking spot.
  3. Provision of a final, as-built Home Energy Rating System (HERS) building energy compliance report demonstrating a HERS index rating of no more than 42 (not including solar applications, i.e., photovoltaics) or a final, as-built Passive House compliance report prior to issuance of a certificate of occupancy.
2. Amend: §135-4.4 as follows:

**4.4.2 Maximum Allowable Residential Gross Floor Area Tables.** Effective January 1, 2023, the total gross floor area of all buildings on a lot containing a one-family or two-family dwelling may not exceed the amount listed in the table below Table 4.4.2.1 based on lot area; except for (1) increases in gross floor area allowed under §135-6.13; and (2) buildings lawfully in existence or lawfully begun, or to structures subject to a special permit applied for by December 31, 2022, which shall instead be subject to the gross floor area requirements set forth in Table 4.4.2.2 Existing Buildings, but shall not be eligible for additional gross floor area incentives pursuant to §135-6.13.

**Table 4.4.2.1: New Construction (permit applications after December 31, 2022)**

<b><u>Lot Area (in square feet)</u></b>	<b><u>Maximum Gross Floor Area (in square feet)</u></b>
<u>0 to 5,000</u>	<u><math>0.4 * \text{Lot Area}</math></u>
<u>5,000 to 7,500</u>	<u><math>2,000 + 0.275 * (\text{Lot Area} - 5,000)</math></u>
<u>7,500 to 10,000</u>	<u><math>2,688 + 0.115 * (\text{Lot Area} - 7,500)</math></u>
<u>10,000 to 15,000</u>	<u><math>2,975 + 0.1 * (\text{Lot Area} - 10,000)</math></u>
<u>15,000 to 30,000</u>	<u><math>3,475 + 0.08 * (\text{Lot Area} - 15,000)</math></u>
<u>More than 30,000</u>	<u><math>4,675 + 0.08 * (\text{Lot Area} - 30,000)</math></u>

**Table 4.4.2.2 Existing Buildings**

<b><u>Lot Area (in square feet)</u></b>	<b><u>Maximum Gross Floor Area (in square feet)</u></b>
0 to 5,000	$0.8 * \text{Lot Area}$
5,000 to 7,500	$4,000 + 0.55 * (\text{Lot Area} - 5,000)$
7,500 to 10,000	$5,375 + 0.23 * (\text{Lot Area} - 7,500)$
10,000 to 15,000	$5,950 + 0.2 * (\text{Lot Area} - 10,000)$
15,000 to 30,000	$6,950 + 0.16 * (\text{Lot Area} - 15,000)$
More than 30,000	$9,350 + 0.16 * (\text{Lot Area} - 30,000)$

3. Sections 1 and 2 of this motion are non-severable and shall only take effect in their entirety.

(01/26/2022)